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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,770	07/15/2003	Robert J. Crowley	AMBIT-CIP-3	8772

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EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2618

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,770	<b>Applicant(s)</b> CROWLEY ET AL.	
	<b>Examiner</b> LEE NGUYEN	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Frye (U.S. Patent 4,220,955) cited in the parent cases.

Regarding claim 1, Frye teaches a docking system for connecting a portable communication device to a further signal transmission line, said portable communication device having an externally radiative antenna 12 (fig. 1), said system comprising: a shield 26 for restricting at least a portion of any radiation emanating from said externally radiative antenna 12 of said portable communication device 10 (see fig. 2); and a coupling probe 37 mounted adjacent to said shield 26 for radiatively coupling between said externally radiative antenna 12 of said portable communication device 10 and said further signal transmission line 14 via radio frequency energy therebetween (see col. 3, line 43 – col. 4, line 2).

Regarding claim 2, Frye also teaches that said shield 26 is comprised of an electrically conductive material (col. 4, lines 55-59).

Regarding claim 5, Frye further teaches that said further signal transmission line comprises a further antenna located at a location remote from said shield (col. 2, lines 50-54).

Regarding claim 6, Frye further teaches that said further signal transmission line comprises a distribution network to permit communication of said communication device with other electrical communication devices (col. 2, lines 50-54).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3-4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frye in view of Phillips et al. (U.S. Patent 4,740,794) cited in the parent cases.

Regarding claims 3-4, Frye fails to teach that said shield defines a focal area station for receipt and transmission of a radio frequency signal, when a communication device is placed within said focal area, wherein said focal area stations may be selected from the group consisting of a desk, a room in a building, or a tray in a vehicle. Phillips teaches that a portable device is conventionally placed in a shielded area such as a building (col. 1, lines 17-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the area as taught by Phillips into the system of Frye in order to improve the communication range of the portable communication device.

Regarding claim 9, Frye also teaches that the shield 26 and the probe 37 insulated from one another (col. 3, lines 28-31). He does not teach that the insulation is made from dielectric material. It is taken official notice that insulation using dielectric material is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include dielectric insulation into the system of Frye in order to prevent electric shock to the user.

Regarding claim 10, Frye also suggests that the material can be formed from a variety of material, which are flexible (col. 4, lines 55-62).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frye.

Regarding claim 11, Frye does not explicitly teaches that a plurality of said communication devices are arranged in a simultaneous connection to said transmission line. However, he suggests that any the transmission line 14 can be connected to any suitable device (col. 2, lines 50-54). Therefore, it is obvious that it can also simultaneously connect to other devices via a T connector or similar connectors. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide several connected devices to the system of Frye in order to provide simultaneous testing to other testing devices.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-5, 7-8, 12-13 and 15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8-14 of U.S. Patent No. 6,885,845 (referred to as Patent'845 herein after). Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claims 1, 3-5, 7-8, 12-13 and 15, claims 8-9 and 11-15 of Patent'845 cover the limitations as claimed in an alternate wording.

Claim 14 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8-9 and 11-15 of U.S. Patent No. 6,885,845 (referred to as Patent'845 hereinafter) in view of Frye.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/17/06  
**LEE NGUYEN**  
**PRIMARY EXAMINER**